



STATE OF WISCONSIN

Senate Journal

Ninety–Seventh Regular Session

10:00 A.M.

THURSDAY, September 22, 2005

The Senate met.

The Senate was called to order by Senator Jon Erpenbach.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Wednesday, September 21, 2005.

The committee on **Education** reports and recommends:

EVERSON, DIANE, of Edgerton, as a member of the Educational Communications Board, to serve for the term ending May 1, 2009.

Confirmation.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

LITTIG, EILEEN, of Green Bay, as a member of the Educational Communications Board, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

Assembly Bill 167

Relating to: the investment by school districts of funds held in trust to provide post–employment benefits.

Concurrence.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

Senate Bill 206

Relating to: transportation for pupils participating in the open enrollment program.

Passage.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

Senate Bill 286

Relating to: school district human growth and development programs.

Introduction of Senate Substitute Amendment 1.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

Senate Bill 322

Relating to: mailing of copies of school district reorganization orders issued by the School District Boundary Appeal Board.

Passage.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

Senate Bill 323

Relating to: state aid paid to consolidated school districts.

Passage.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

Senate Bill 324

Relating to: allowing school boards to charge a fee for transporting certain pupils to school.

Passage.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

LUTHER OLSEN

Chairperson

The committee on **Health, Children, Families, Aging and Long Term Care** reports and recommends:

Assembly Bill 207

Relating to: employment discrimination based on creed; and exemption from liability and discipline for health care professionals and health care facility employees who refuse to participate in sterilization, abortion, assisted suicide, and other procedures on moral or religious grounds.

Concurrence.

Ayes, 3 – Senators Roessler, Darling and Brown.

Noes, 2 – Senators Erpenbach and Carpenter.

CAROL ROESSLER

Chairperson

The committee on **Judiciary, Corrections and Privacy** reports and recommends:

Assembly Bill 499

Relating to: human cloning and parthenogenesis and providing penalties.

Concurrence.

Ayes, 3 – Senators Zien, Roessler and Grothman.
Noes, 2 – Senators Taylor and Risser.

Senate Bill 243

Relating to: human cloning and parthenogenesis and providing penalties.

Adoption of Senate Amendment 1.

Ayes, 3 – Senators Zien, Roessler and Grothman.
Noes, 2 – Senators Taylor and Risser.

Adoption of Senate Amendment 2.

Ayes, 3 – Senators Zien, Roessler and Grothman.
Noes, 2 – Senators Taylor and Risser.

Adoption of Senate Amendment 3.

Ayes, 3 – Senators Zien, Roessler and Grothman.
Noes, 2 – Senators Taylor and Risser.

Passage as amended.

Ayes, 3 – Senators Zien, Roessler and Grothman.
Noes, 2 – Senators Taylor and Risser.

DAVID ZIEN
Chairperson

The committee on **Agriculture and Insurance** reports and recommends:

Senate Clearinghouse Rule 05–063

Relating to use value assessment of agricultural land.

No action taken.

DAN KAPANKE
Chairperson

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

Assembly Joint Resolution 54

Passed notwithstanding the objections of the Governor:

Item Veto C-4 of **Assembly Bill 100**

Assembly Joint Resolution 54

Relating to: the life and military service of United States Chief Warrant Officer 2 Joshua Michael Scott.

By Representatives Hebl, Travis, Sinicki, Boyle, Musser, Berceau, Turner, Lehman, Fields, Sheridan, Kestell, Freese, Petrowski, Townsend, Lothian, Kerkman, Albers, Ott, Hahn, McCormick, Gunderson, Bies, Owens, Toles and Molepske; cosponsored by Senators Miller, Kedzie, Coggs, Erpenbach, Brown, Wirch, Roessler and Hansen.

Read and referred to committee on **Senate Organization**.

Senate amendment 1 to **Senate Bill 237** offered by Senator Reynolds.

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 37

Relating to: recognizing and celebrating the life of Dr. Vang Pobzeb.

By Senators Brown and Zien; cosponsored by Representatives Kreibich, Moulton, Wood and Musser.

To committee on **Senate Organization**.

Senate Joint Resolution 38

Relating to: the life and military service of Specialist Charles A. Kaufman.

By Senator Brown; cosponsored by Representative Musser.
To committee on **Senate Organization**.

Senate Joint Resolution 39

Relating to: the life and military service of Sergeant Andrew L. Bossert.

By Senator Brown; cosponsored by Representative Gronemus.

To committee on **Senate Organization**.

Senate Joint Resolution 40

Relating to: the life and military service of Sergeant 1st Class Trevor John Diesing.

By Senator Brown; cosponsored by Representative Gronemus.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 344

Relating to: requiring certain vehicles that are used to transport children to and from a child care provider to have child safety alarms installed, granting rule-making authority, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and providing a penalty.

By Senators Coggs, Risser, Carpenter, Plale, Roessler and Taylor; cosponsored by Representatives Young, Ainsworth, Albers, Berceau, Cullen, Fields, Grigsby, Hahn, Ott, Sheridan, Sinicki, Turner, Underheim, A. Williams and Zepnick.

To committee on **Natural Resources and Transportation**.

Senate Bill 345

Relating to: the enrollment of the charter school established by the University of Wisconsin–Parkside.

By Senators Stepp, Darling, Grothman, Kanavas, A. Lasee and Reynolds; cosponsored by Representatives Vos, Vukmir, Jensen, Kerkman, Gunderson, Albers, Jeskewitz, Kleefisch, Krawczyk, Kreibich, F. Lasee, McCormick, Nass, Owens, Pridemore, Strachota, Towns and Underheim.

To committee on **Higher Education and Tourism**.

Senate Bill 346

Relating to: procedure for the altering of any park entrance at Perrot State Park.

By Senators Brown, Kapanke and Schultz; cosponsored by Representatives Gronemus, Musser, Huebsch and Shilling.

To committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**.

PETITIONS AND COMMUNICATIONS

State of Wisconsin

September 21, 2005

The Honorable, The Senate:

This letter is to inform of a temporary replacement on the Senate Committee on Judiciary, Corrections, and Privacy. Senator Mark Miller will be replacing Senator Lena Taylor.

This appointment will be effective immediately, as the committee is scheduled to meet on Thursday, September 22, 2005.

Thank you for your attention to this matter.

Sincerely,

DALE W. SCHULTZ
Senate Majority Leader

**State of Wisconsin
Legislative Audit Bureau**

September 16, 2005

The Honorable, The Legislature:

We have completed an evaluation of voter registration in Wisconsin, as requested by the Joint Legislative Audit Committee. Currently, voter registration is required by statute in only 172 large municipalities. Another 167 smaller municipalities choose to maintain voter registration lists. However, the federal Help America Vote Act of 2002, which requires all states to develop a computerized voter registration system, will require voter registration statewide beginning in January 2006.

We found great variation in the implementation of existing voter registration laws. For example, 46.0 percent of municipalities that responded to our survey did not send address verification cards to individuals who registered by mail or at the polls on Election Day in November 2004, although doing so is an important step in verifying the residency of voters and detecting improper registrations. Only 85.3 percent of survey respondents reported updating their voter registration lists to remove inactive voters, as required by law.

Current voter registration practices are not sufficient to ensure the accuracy of voter registration lists used by poll workers or to prevent ineligible persons from registering to vote. We identified 105 instances of voting irregularities in six municipalities, including 98 ineligible felons who may have voted. The names of these individuals have been forwarded to appropriate district attorneys for investigation.

Implementation of the statewide voter registration system may address some concerns, but we make numerous recommendations to the Elections Board to improve the voter registration process. We also present policy options for the Legislature's consideration, including establishing uniform voter registration requirements, limiting the use of outside parties to register voters, and requiring enhanced training for municipal clerks.

We appreciate the courtesy and cooperation provided to us by the municipal clerks we interviewed and surveyed, as well as by Elections Board staff. A response from the Executive Director of the Elections Board follows the appendices.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Legislative Audit Bureau**

September 21, 2005

The Honorable, The Legislature:

We have completed financial audits of Mendota and Winnebago Mental Health Institutes for the period July 1, 2003, through June 30, 2004. The audits were requested by the Department of Health and Family Services to comply with requirements of the Joint Commission on Accreditation of Healthcare Organizations. We were able to express an unqualified opinion on each Institute's financial statements.

Mendota and Winnebago Mental Health Institutes are licensed and accredited hospitals that provide specialized diagnostic, evaluation, and treatment services for mentally ill children and adults. The Institutes also provide services to forensic patients referred to them through the criminal justice system. The Institutes are funded through a mix of general purpose revenue and program revenue. Each has experienced a decline in average daily population from fiscal year (FY) 2001-02 through FY 2003-04.

Each Institute reported a small financial gain for FY 2003-04. Mendota reported a gain of almost \$90,000 in net assets, and Winnebago reported a gain of more than \$54,000. Further, each Institute reported a positive accounting balance, which is reflected in its financial statements as unrestricted net assets.

We appreciate the courtesy and cooperation extended to us by Department of Health and Family Services staff during our audit.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Legislative Audit Bureau**

September 22, 2005

The Honorable, The Legislature:

As requested by the Public Service Commission (PSC), we have completed a financial audit of the Universal Service Fund, which was established to ensure that all state residents receive essential telecommunications services and have access to advanced telecommunications capabilities. It is funded primarily through assessments on telecommunications providers, which totaled \$25.5 million in fiscal year (FY) 2003-04. Our audit report contains our unqualified opinion on the Universal Service Fund's financial statements for the fiscal years ending June 30, 2003 and 2004.

The largest program supported by the Universal Service Fund is the Educational Telecommunications Access Program, which is administered by the Department of Administration. This program subsidizes new and existing data lines and video links to eligible educational institutions. In FY 2003-04, expenditures for these activities totaled \$12.7 million, or 54.2 percent of the Universal Service Fund's total expenditures and transfers. In January 2006, a new statewide data and video network is expected to be available to program participants, as well as to the State and other public-sector users.

Eight of the 13 programs supported by the Universal Service Fund are operated by the PSC. As we reported in past audits, expenditures for PSC-operated programs were significantly less than budgeted for several years. The Legislature subsequently limited the amount of assessments to support the PSC-operated programs to \$5.0 million in FY 2003-04 and \$6.0 million in FY 2004-05 and thereafter. However, increasing expenditures are now presenting budgetary challenges for these programs. In response, the PSC reduced benefits and deferred certain payment requests to subsequent

fiscal years. If the growth in program demand and expenditures continues, the Legislature may be asked to reconsider the statutory limits on the PSC's annual assessment levels.

Funds are transferred annually to the Department of Public Instruction for the Newline program, which provides sight-impaired individuals access to newspapers read over the telephone. We found that a balance of almost \$165,000 has accumulated for the program. The PSC does not plan to provide additional funds to the program until the balance has been substantially reduced.

We appreciate the courtesy and cooperation extended to us by staff at the PSC, the departments of Administration and Public Instruction, and the Universal Service Fund's administrator, Wipfli LLP.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Joint Legislative Council**

September 14, 2005

The Honorable, The Legislature:

I am pleased to transmit to you the following reports to the 2005 Legislature on legislation introduced by the Joint Legislative Council:

- RL 2005-10 Special Committee on Navigable Waters Recodification [2005 Assembly Bill 500]
- RL 2005-12 Special Committee on Recodification of Ch. 938, the Juvenile Justice Code [2005 Assembly Bill 443]

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of these reports are available at the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at <http://www.legis.state.wi.us/lc/>

Sincerely,

TERRY C. ANDERSON
Director

**State of Wisconsin
Public Service Commission**

September 13, 2005

The Honorable, The Senate:

Enclosed is a copy of the annual report the Public Service Commission (Commission) shall submit to the Legislature as provided for in Wis. Stat. 1.11(2)(j). It reports on the number and type of proposed actions requiring the preparation of an environmental assessment or an environmental impact statement by the Commission between July 1, 2004, and June 30, 2005.

If you have any questions on this report, please contact our Environmental Analysis and Review Coordinator, Kathleen Zuelsdorff, at (608) 266-2730.

Sincerely,

DANIEL R. EBERT
Chairperson

**State of Wisconsin
Investment Board**

September 9, 2005

The Honorable, The Senate:

Pursuant to s. 1.11(2)(j) of the Statutes, the State of Wisconsin Investment Board is pleased to report that it not consider any proposals for legislation or major actions in Wisconsin during fiscal year 2005 that would have significantly affected the quality of the human environment. Accordingly, the agency was not required to prepare any environmental assessments or impact statements under s. 1.11, Stats.

Please contact Sandy Drew at 261-0182 if you have any questions concerning this report.

Sincerely,

DAVID C. MILLS
Executive Director

Pursuant to Senate Rule 17 (5), Senator Grothman added as a coauthor of **Senate Bill 202**.

Pursuant to Senate Rule 17 (5), Representative Kreibich removed as a cosponsor of **Senate Bill 187**.

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

September 14, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OEMIG, HUNTER, of Cornell, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2007.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Higher Education and Tourism**.

ADJOURNMENT

Senator Erpenbach, with unanimous consent, asked that the Senate adjourn until Tuesday, September 27, 2005, at 11:00 A.M.

Adjourned.

10:01 A.M.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 289** offered by Senator Roessler.